IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO. 64 OF 2001

IN

COMPANY PETITION NO. 7 OF 1998

OFFICIAL LIQUIDATOR HIGH COURT OF BOMBAY PANAJI ....Applicant

Versus

MAHESH A.PRABHU AND ORS. ....Respondents

Ms.Amira Razaq, Advocate for the Applicantr/Official Liquidator.
Respondents Exparte.

Coram:- N. A. BRITTO, J.

Date:- 2nd March, 2007

P.C.

Heard Ms. Amira Razaq, the learned Advocate on behalf of the applicant/Official Liquidator.

2. This is a claim application filed by the applicant to recover a sum of Rs.5978/-, inclusive of interest as on 31.01.2001 from the respondents on account of a loan taken by respondent no.1 with respondent no.3 standing as surety and which remained unpaid. All the respondents were duly served with notice but have chosen not to contest the claim application. The respondent nos. 1 and 3 were ordered to be proceeded exparte by Order dated 23.02.2007. Respondent no.2 was ordered to be proceeded exparte on 12.01.2007. Even today, the respondents are absent.

3. On behalf of the applicant/O.L., Shri S. R. Hajare, Senior Technical Assistant in the Office of Registrar of Companies/Official

Liquidator has filed an affidavit along with copies of documents. The same shall be placed on record.

4. I have perused the said affidavit. In the said affidavit, it has been stated on behalf of the applicant/Official Liquidator that the Company in liquidation had given a loan to respondent no.1 in the sum of Rs.4,000/- on 10.06.1996 and the said Agreement was signed by respondent nos. 1 and 3, and in terms of the said Agreement, both the respondents had jointly and severally agreed to pay the loan of Rs.4,000/- in 12 instalments of Rs.400/- each and the same was to be paid on or before 10.06.1997, with interest at the rate of 20% per annum, with quarterly rests. It is also stated that respondent nos. 1 and 3 had signed a Promissory note dated 10.06.1996, copy of which along with the said loan agreement has been produced. I have also perused the originals of the said documents. On the basis of the said affidavit and the documents produced, I have no hesitation to decree the claim made on behalf of the applicant/O.L. As a result, the respondent nos. 1 and 3 are hereby directed to pay to the applicant/O.L. the sum of Rs.5978/-, with pending interest at the rate of 20% w.e.f. 01.01.1999 and future interest at the rate of 6%, until payment, with costs. The claim against Respondent no.2 is dismissed.

N. A. BRITTO, J.

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